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December 1, 2014

VIA ECF

The Honorable Michael A. Hammer, U.S.M.J.
United States District Court, District of New Jersey
Martin Luther King Building and U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: Lisa Fisher v. Hon. Francine A. Schott, et al.
Civil Action No. 13-cv-5549(ES)(MAH)

Dear Judge Hammer:

As Your Honor is aware, this firm represents defendant The Hon. Francine A. Schott, J.S.C. ("Judge Schott") in the above-captioned matter. On November 13, 2014, in accordance with Your Honor's Order dated October 31, 2014, the parties submitted a Joint Letter regarding each party's position with respect to outstanding discovery. We are writing to the Court to bring to the Court's attention the exigency of Your Honor's rulings with respect to the issues raised by Judge Schott, namely (1) whether Plaintiff must provide written confirmation that Plaintiff has no other credit cards, bank cards, or charge cards, other than those associated with Ms. Fisher's Bank of America account with Stephen Fisher; her Bank of America account with Stephanie Fisher; and her Santander account with Steven Fisher; (2) ordering Plaintiff to execute HIPAA Authorizations so that Judge Schott can obtain Plaintiff's disability documents and medical records from 2006-2008 and (3) ordering Plaintiff execute a Certification confirming that Plaintiff has provided any and all documents in Plaintiff's position related to her "depressed mood and anxiety" disability leave in 2008 and to Present. This discovery is also imperative so that Defendants may adequately prepare for and conduct Plaintiff's deposition.

As Your Honor may recall, Plaintiff initially advised that she did not have any bank, credit or debit cards during the relevant time period. Discovery obtained by way of subpoena, however, proved otherwise. In the face of this discovery, Plaintiff acknowledged that she has accounts with Bank of America and Santander. However, in light of Plaintiff's past misrepresentations concerning her credit cards, bank cards, or charge cards, Judge Schott



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seeks written confirmation that Plaintiff does not have any other credit cards, bank cards, or charge cards.

As indicated in our October 14, 2014 letter to the Court, we have become aware that certain information, i.e., video surveillance footage and related photographs, is kept by banks and credit card institutions only for a limited period of time. Archived video footage and photographs of Plaintiff's activity during the relevant time period, if any, is invaluable to Judge Schott's defense in this case as Plaintiff's location on the dates set forth above are relevant to the claims and defenses in this litigation. Thus, the Court's ruling on this issue is imperative as there is a strong risk that the discovery of Plaintiff's other bank card, debit card and credit card transactions may be irretrievably destroyed and thus result in substantial harm or prejudice to Judge Schott's defense. The Court's ruling on Plaintiff's medical records and disability documents is equally critical as the deadline for permissible destruction of those records by Plaintiff's medical providers pursuant to statute is quickly approaching.

We thank Your Honor for your time and consideration in assisting the parties with an expedited decision with respect to the foregoing discovery dispute. Should the Court require anything further, please do not hesitate to contact me directly.

Respectfully Submitted,

GENOVA BURNS GIANOMASI WEBSTER LLC

s/Kathleen Barnett Einhorn

KATHLEEN BARNETT EINHORN

KBE:cr

c: Andrew Dwyer, Esq. (via ECF)
Susan M. Scott, Esq., Deputy Attorney General (via ECF)
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